

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CONNECTOR CASTINGS, INC.,

Plaintiff,

v.

SCREW PRODUCTS, INC. d/b/a  
SCREW PRODUCTS

and

JOHN DOES 1-10,

Defendants.

Case No.  
REMOVAL FROM CIRCUIT  
COURT OF ST. LOUIS COUNTY,  
MISSOURI

**NOTICE OF REMOVAL TO FEDERAL COURT  
BASED ON FEDERAL QUESTION JURISDICTION**

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, SCREW PRODUCTS, INC. d/b/a SCREW PRODUCTS ("Defendant"), by and through its attorneys, SmithAmundsen LLC, hereby submits this Notice of Removal to the United States District Court for the Eastern District of Missouri of the above-styled action, pending as Case No. 1522-CC00252 in the Circuit Court of St. Louis County, Missouri. In support of this petition and as grounds for removal, Defendant states as follows:

1. On or about February 2, 2015, Plaintiff, Connector Castings, Inc. ("Plaintiff") filed this action in the Circuit Court of St. Louis County, Missouri styled, Connector Castings, Inc. v. Screw Products, Inc. d/b/a Screw Products and John Does 1-10, Case No. 1522-CC00252. (Defendant attaches as **Exhibit A** to this Notice of Removal to Federal Court based on Federal Question Jurisdiction a copy of the Summons, Class Action Petition and Motion for Class Certification.) No substantive proceedings have occurred in the Circuit Court of St. Louis County as of the date of this removal.

2. The relevant Summons was issued on May 26, 2015. Upon information and belief, Defendant was served with Plaintiff's Class Action Petition, Motion for Class Certification and Summons on or about June 18, 2015.

3. The Class Action Petition alleges a single cause of action based on one claimed transmissions from Defendant to Plaintiff of purported unsolicited facsimile advertisements. Specifically, the Class Action Petition contains a single claim for violation of the Telephone Consumer Protection Act, 47 U.S.C. § 227 ("TCPA"). Plaintiff purports to bring these claims on behalf of a class of persons. (*See Exhibit A.*)

4. This case is a civil action of which the United States District Court for the Eastern District of Missouri has original jurisdiction under the provisions of 28 U.S.C. § 1331 and the United States Supreme Court decision in *Mims v. Arrow Financial Services, L.L.C.*, 132 S. Ct. 740, 181 L.Ed. 2d 881 (2012) because Plaintiff has alleged a cause of action under the TCPA, as indicated throughout the Class Action Petition, including a section labeled "THE TCPA."

5. Removal to this federal court is authorized by 28 U.S.C. § 1441. The United States Supreme Court has held that claims pursuant to the TCPA arise under federal law; consequently, actions brought pursuant to the TCPA are removable under 28 U.S.C. § 1441. *See Mims*, 132 S. Ct. at 747, 753, n.15. (stating "[n]othing in...the TCPA calls for displacement of ...federal-question jurisdiction;" and, noting the absence of any Congressional intent to prohibit the removal of TCPA actions to federal court pursuant to 28 U.S.C. § 1441).

6. There are no other defendants (only unknown John Does 1-10) identified in this action.

7. At the time of filing this Notice of Removal to Federal Court, no other processes, pleadings, or orders, other than the documents attached hereto, have been served upon

Defendant. Plaintiff has requested a trial by jury as indicated by the Class Action Petition.

8. This Notice of Removal is timely, in accordance with 28 U.S.C. § 1446(b), as it is filed within 30 days after Defendant was served with the Summons and Class Action Petition, which sets forth the claims upon which the Notice of Removal is based. *See Murphy Bros. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999).

9. Venue lies in the United States District Court for the Eastern District of Missouri, pursuant to 28 U.S.C. § 1446(a), because the action was filed in the Circuit Court of St. Louis County, Missouri, which is located within this District and Division.

10. Written notice of this Notice of Removal is being served upon Plaintiff, and a copy of the Notice of Removal is being filed with the Circuit Court of St. Louis County, Missouri.

WHEREFORE, for the foregoing reasons, Defendant, SCREW PRODUCTS, INC. d/b/a SCREW PRODUCTS, petitions that the above-entitled action be removed and transferred from the Circuit Court of St. Louis County, Missouri to the United States District Court for the Eastern District of Missouri.

Respectfully Submitted,

By: /s/ Eric L. Samore  
One of the Attorneys for Defendant  
SCREW PRODUCTS, INC. d/b/a SCREW PRODUCTS

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**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing instrument was served upon the Clerk of the Court and all counsel of record via electronic filing on July 10, 2015.

/s/ Eric L. Samore